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October 31, 2019

The Honorable Lois Bloom
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ty Clevenger v. U.S. Department of Justice, et al.*, Civil Action No. 18-CV-01568 (WFK) (LB)

Judge Bloom:

I write in response to the letter filed by Asst. U.S. Attorney Kathleen Mahoney on October 31, 2019 (Doc. No. 49). I believe I made it quite clear in the UNNOPPOSED MOTION FOR STAY (Doc. No. 48) that my request for a stay was separate from the request for judicial notice, and that I had only consulted with Ms. Mahoney regarding the former.

I did not believe that it was necessary under the local rules to consult with opposing counsel regarding a request for judicial notice, but that is certainly the wiser and more courteous path, therefore I will consult with Ms. Mahoney on such matters in the future. I apologize to the Court and Ms. Mahoney for the confusion.

With respect to the other arguments in Ms. Mahoney's letter, I believe they misunderstand my purpose in making the Court aware of the developments in the two D.C. cases. In my response to the Defendant's motion to dismiss, I cited evidence that the FBI has been less than forthcoming when responding to information requests. The latest events in D.C. merely reinforce that point, particularly as it relates to requests for information related to "Russian collusion."

I am not arguing that the developments in D.C. prove that the FBI does or does not have records pertaining to Seth Rich. Instead, I am suggesting that there is good reason for skepticism when the FBI claims it has conducted a reasonable search.

Respectfully,



Ty Clevenger

cc: Kathleen Mahoney, Asst. U.S. Attorney